

It was the sense of the meeting that, in order to encourage the use of electric ranges, the Electric Department be duly authorized to enlarge the service connections and meter to a residence that already has service for lighting, the cost of such work to be borne by the City.

The City Manager was instructed to have the old Robert E. Lee Road, which winds along the south bank of the Colorado River, cleared and the width established, preparatory to opening said road to traffic.

Upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Walter McKeen  
City Clerk

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, May 4, 1939.

The City Council convened in regular session, at the regular meeting place in the City Hall, on Thursday, May 4, 1939, at 10:10 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, Simon Gillis, and Mayor Tom Miller; absent, Councilmen Bartholomew and Wolf.

The reading of the Minutes was dispensed with.

A committee of citizens, with Dr. Goodall H. Wooten as spokesman, came before the Council and presented a plaque of Stephen F. Austin, by Peter Mansbendel, Sculptor, commemorating one hundred years of good city government; the contributors to the purchase of said plaque being as follows: Dr. G. H. Wooten; A. D. Bolm; E. P. Cravens; R. G. Mueller; Arthur Sprinkle; Ad. Kohn; Morris Hirshfeld; Herman Brown; L. Novy; Walter Bohn; Walter Tips Co.; W. C. Schulle; Becker Lumber Co.; A. C. Bull; Fox-Schmidt; F. W. Sternenberg; Carl T. Widen; Walter E. Long; Page & Southerland; American-Statesman; O. P. Lockhart; T. H. Williams, Sr.; Ike D. White; E. H. Perry; W. A. Keeling; E. L. Steek Co.; John A. Gracy; Hilliare F. Nitschke; John C. Ross; Carl M. Mayer; Eddie Joseph; Horace C. Barnhart; and Alfred Ellison.

Mayor Miller, on behalf of the City Council and the citizens of Austin, thanked the Committee for this very beautiful and patriotic gift, and ordered that same be hung in the lobby of the Municipal Building.

Councilman Alford introduced the following resolution:

WHEREAS, the Water Department has had under consideration the purchase of water lines constructed by Robert Bauerle, used as a private water system, for the reason that said private system is now in the city limits of the City of Austin and is now

connected with and forms a part of the water distribution system of the City of Austin; and

WHEREAS, estimates of this cost have been made and checked by the Water Department and it appears that an equitable purchase price for said system amounts to \$1,231.68, said sum representing the depreciated cost of the pipe and 50% of the installation cost; and

WHEREAS, said purchase price has been recommended by the Superintendent of the Water Department and the City Manager; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to execute an agreement for the City of Austin with said Robert Bauerle to purchase said lines for the price heretofore stipulated, said lines to be as represented in the contract attached herewith.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Mayor Miller laid before the Council for its first reading, the following ordinance, which was introduced at the regular meeting of the City Council on March 30, 1939, laid over, and ordered published, as required by the provisions of the City Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF THREE AND FIFTEEN ONE-HUNDREDTHS (3.15) ACRES OF LAND OUT OF THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and laid over; no one appearing to protest the passage of same.

Messrs. Ralph Schneider and Harold Hoefgen appeared before the Council and presented a petition signed by a large number of grocers of the City, asking that the Zoning Ordinance be amended so as to permit grocery stores to sell beer in packages to be consumed off the premises. The petition was received and was taken under advisement with the Legal Department.

Councilman Gillis introduced the following resolution:

WHEREAS, the north 66.9 feet of Lot 4, Block 167, in the Original City of Austin, owned by Mrs. William Ulit, encroaches upon the south side of the alley adjoining said premises for a distance of 10.5 feet; and

WHEREAS, said encroachment has existed for several years but the said Mrs. William Ulit is willing to execute a release and enter into an agreement with the City of Austin to remove such encroachment whenever the improvements on said property shall be remodeled or rebuilt, provided the City of Austin will allow the curb on the west side of Sabine Street and the south side of the alley to be constructed along that portion of the alley now encroached upon; and

WHEREAS, such arrangement fully protects the interests of the City of Austin and the public and does not create a dangerous or hazardous condition; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Mrs. William Ulit be and she is hereby granted permission to locate a curb on the west side of Sabine Street and the south side of the alley along Lot 4,

Block 167, of the Original City of Austin at a location to be approved by the City Engineer of the City of Austin conditioned upon the execution by the said Mrs. William Ulit of a release to the City of Austin, indemnifying and releasing said City in event of damages growing out of said structure, and the execution by the said Mrs. William Ulit of an agreement to remove all encroachments at said location when the improvements on said premises shall be remodeled or rebuilt.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Mayor Miller moved that the City Clerk be instructed to write a letter to the State Health Officer and the State Health Department expressing the thanks and appreciation of the City Council for the funds and valuable services contributed by said Department in the Austin-Travis County Health Unit setup. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Gillis introduced the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, proposals for bids for certain improvements on the Water Reservoir for the City of Austin under Docket Texas-1847-2-F were received and opened December 21, 1938; and

WHEREAS, said contract was duly executed with Yarbrough Construction Company of Austin, Texas, on December 22, 1938, and the schedule of contracts were approved by the Public Works Administration on March 3, 1939; and

WHEREAS, it was provided in this contract agreement that 120 calendar days were provided for completion of the work; and

WHEREAS, the contractor complying with the requirements of the City of Austin started actual construction on the project December 28, 1938, shortly after the contract was awarded to him, and due to the delays in getting organized at the beginning and approximately four (4) days lost in connection with unforeseen repairs that had to be made to the reservoir, there has been a total delay of approximately two (2) weeks; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a fourteen (14) day extension of time for completion of the project be granted to Yarbrough Construction Company, Contractor on the work.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Gillis introduced the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, proposals for bids for certain improvements for the High Service Pump for the City of Austin under Docket Texas 1847-2-F were received and opened December 16, 1938; and

WHEREAS, said contract was duly executed with J. M. Odom of Austin, Texas, on December 22, 1938, and the schedule of contracts were approved by the Public Works Administration on March 3, 1939; and

WHEREAS, it was provided in this contract agreement that 150 calendar days were provided for completion of the work; and

WHEREAS, the contractor complying with the requirements of the City of Austin started actual construction on the project December 23, 1938, but due to the delay

by the manufacturer and because of the special preparations required for tests on the pumping unit, and because the unit was delayed by the manufacturer five (5) weeks; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a fifty-six (56) day extension of time for completion of the project be granted to J. M. Odom, contractor on the work.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Gillis introduced the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, proposals for bids for certain power plant improvements for the City of Austin under Docket Texas 1547-1-P-F were received and opened December 14, 1938; and

WHEREAS, said contract was duly executed with Fox-Schmidt of Austin, Texas, on December 15, 1938, and the schedule of contracts were approved by the Public Works Administration on January 20, 1939; and

WHEREAS, it was provided in this contract agreement that 150 calendar days were provided for completion of the work; and

WHEREAS, the contractor complying with the requirements of the City of Austin started actual construction on the project December 20, 1938, but due to the difficulties that have been encountered in getting proper deliveries on special equipment, and because the contractor was required to begin work immediately after being awarded the contract, it was impossible to place the order for equipment in time to have the same on hand at the beginning of the work; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a forty-five (45) day extension of time for completion of the project be granted to Fox-Schmidt, contractors on this work.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Gillis introduced the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, proposals for bids for certain service station improvements for the City of Austin under Docket Texas 1547-2-F were received and opened December 21, 1938; and

WHEREAS, said contract was duly executed with J. M. Odom of Austin, Texas, on December 22, 1938, and the schedule of contracts were approved by the Public Works Administration on March 3, 1939; and

WHEREAS, it was provided in this contract agreement that 120 calendar days were provided for completion of the work; and

WHEREAS, the contractor complying with the requirements of the City of Austin started actual construction on the project December 27, 1938, but due to the delay in securing certain materials, and in particular, overhead steel pier doors for the repair building, resulting in a delay of approximately three weeks in the construction; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a thirty-five (35) day extension of time for completion of the project be granted to J. M. Odom, contractor on this work.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line in GOODRICH AVENUE from Fredericksburg Road north to Ford Street, the centerline of which pole line shall be  $8\frac{1}{2}$  feet west of and parallel to the east line of said Goodrich Avenue.

(2) A telephone pole line in HETHER STREET from Kinney Avenue westerly 1 block, the centerline of which pole line shall be  $8\frac{1}{2}$  feet south of and parallel to the north line of said Hether Street.

(3) A telephone pole line in HETHER STREET from Blue Bonnet Lane easterly to 1 block east of Goodrich Avenue, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said Hether Street.

That the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in BOULDIN AVENUE northerly 170 feet from a point 53 feet south of the south line of West Monroe Street, the centerline of which gas main shall be 18 feet east of and parallel to the west line of said Bouldin Avenue.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in EAST 14TH STREET from Navasota Street westerly 44 feet, the centerline of which gas main shall be 19 feet north of and parallel to the south line of said East 14th Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in NAVASOTA STREET across East 14th Street intersection, the centerline of which gas main shall be 9 feet east of and parallel to the west line of said Navasota Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in EAST 44TH STREET from Bennett Avenue westerly 37 feet, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said East 44th Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in EAST 44TH STREET from Bennett Avenue easterly approximately 400 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south

of and parallel to the north line of said East 44th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in BENNETT AVENUE across East 44th Street intersection, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Bennett Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in BONNIE ROAD from Hopi Trail easterly 105 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Bonnie Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in ASH STREET from Hopi Trail westerly approximately 230 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Ash Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in MEREDITH STREET from Hopi Trail westerly 322 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Meredith Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in CLEARVIEW DRIVE from Dillman Street westerly 396 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Clearview Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Mayor Miller introduced the following resolution:

WHEREAS, the City Council, on the 13th day of April, 1939, passed what may commonly be designated as a solicitation ordinance, said ordinance recorded in Book "K" at pages 493-496 of the ordinance records of the City of Austin, Texas; and

WHEREAS, said ordinance regulates the soliciting of advertising and subscription contracts, alms or gifts for charitable, political or philanthropic purposes, and the solicitation of funds by telephone, and the promotion or participation in entertainments,

fairs or bazaars for charitable, political or philanthropic and various other purposes as defined and set out in said ordinance; and

WHEREAS, said ordinance provides for an advisory and investigating committee of nine members to be appointed by the City Council; and

WHEREAS, it is deemed advisable that the persons appointed on said Committee should in so far as possible be either persons connected or affiliated with the principal civic organizations of the City of Austin; and

WHEREAS, the City Manager, after investigation and consultation with various civic organizations, has recommended to the City Council the appointment of the following named persons to serve on said advisory and investigating committee, to-wit:

Rector Allen, of the Chamber of Commerce  
 Fred Leser, of the Junior Chamber of Commerce  
 J. E. McClain, of Travis Post No. 76, American Legion  
 Theo. Belmont, of Capital City Post, American Legion  
 Henry Cain, of the Veterans of Foreign Wars  
 Horace Barnhart, of the Retail Credit Association  
 Rev. M. E. Sadler, of the Austin Ministerial Association  
 Mrs. Warren Freund, of the Parent-Teacher Association  
 Mrs. Sam J. Smith, of the Federated Womens Clubs

and

WHEREAS, said named parties are, in the opinion of the City Council competent and qualified to serve on said advisory and investigating committee, and in their appointment the major service organizations of the City of Austin would be represented; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Rector Allen, Fred Leser, J. E. McClain, Theo. Belmont, Henry Cain, Horace Barnhart, Rev. M. E. Sadler, Mrs. Warren Freund, and Mrs. Sam J. Smith are hereby appointed members of said advisory and investigating committee to serve as such, and to discharge the duties outlined and specified in the aforesaid ordinance, and are authorized to do and perform each and every act and thing authorized therein.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Councilman Alford introduced the following resolution:

WHEREAS, in Plat Book 1, page 79, there appears a map or plat of a subdivision of land known as Tobin & Johnson Addition; and

WHEREAS, shown upon said map or plat are various streets and alleys, one of which streets is bounded on the south by Blocks 1, 8, and 9, and bounded on the north by Blocks 2, 7, and 10, said street being known as Ash Street; and

WHEREAS, in Plat Book 3, page 26, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Walsh Place on Lake Austin; and

WHEREAS, upon said map or plat of said Walsh Place on Lake Austin there appear various streets and alleys, one of which streets is bounded by Blocks 1, 2, and 3, on the south, and bounded on the north by Blocks 4, 5, and 6 of said Addition, and which street begins at Forest Avenue and extends westerly to Lakeside Boulevard and being known as Ash Street, as shown upon said map or plat; and

WHEREAS, in Plat Book 3, page 202, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Westenfield No. 1; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which streets is known as Bonnie Road and is a prolongation of Ash Street as shown upon the aforesaid map or plat of Tobin & Johnson Addition and the map or plat of



Walsh Place on Lake Austin; and

WHEREAS, the owners of a portion of the property abutting Ash Street in Tobin & Johnson Addition and in Walsh Place on Lake Austin have petitioned the City Council of the City of Austin to change the name of said Ash Street to that of Bonnie Road; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Ash Street as shown upon the aforesaid map or plat of said Tobin & Johnson Addition and that Ash Street shown upon the aforesaid map or plat of Walsh Place on Lake Austin be known and designated hereafter as BONNIE ROAD.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following report of the Board of Adjustment was received, read, and referred to the Legal Department for an opinion:

" Austin, Texas  
May 1, 1939

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on April 25, 1939, passed the following resolution, which is hereby submitted for your consideration:

#### RESOLUTION.

WHEREAS, the rapid growth of the City of Austin and the experience of the Board of Adjustment in the administration of the Zoning Ordinance since its passage, indicates the desirability of submitting certain amendments to the Ordinance in order to bring the same up to date, to correct certain inconsistencies, and to further clarify its provisions; and

WHEREAS, the Board deems that by the passage of the amendments here recommended, the Ordinance will become more equitable, fair and just, and will cause its enforcement and application by the Building Inspector and the Board of Adjustment to be less difficult and less subject to controversy and possible litigation; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it be and is hereby recommended to the City Council that the following amendments to the Zoning Ordinance of the City of Austin be adopted:

1. To amend Section 6 so as to change No. 18 to read "animal hospitals" and to omit the words "laundries using soot producing fuels."

(This amendment would mean that all animal hospitals and laundries using any type of fuel would be prohibited in the present "C" Commercial District, which stretches out in all directions through the City and includes the various community centers in the various residential areas of the City.)

2. To amend Section 6-A by adding the following uses:

7. Laundries using non-soot producing fuel;
8. Lumber yard and planing mill;
9. Animal hospitals;
10. Creameries for on-site and off-site consumption of products.

(This amendment means that the above enumerated uses will be confined to the present "C-2" Commercial District, which comprises the major portions of the business sections of the City of Austin. Most of the present laundries, lumber yards, and creameries are now located in the "C-2" Commercial District as non-conforming uses. This amendment will therefore legalize these uses in this district).

3. To amend the first paragraph of Section 10 by adding after the word "discontinued" the following: "vacated or abandoned for a period of not less than six months."

(The purpose of this amendment is to fix a time limit for the re-establishment of the existing non-conforming uses after the same have become vacant or discontinued, and thus provide for the elimination of non-conforming uses as rapidly as possible).



4. To amend the Use District Map of the City of Austin by extending the "C-2" Commercial District from the intersection of East Sixth Street and Chicon Street along both sides of Chicon Street to East Seventh Street, and thence along East Seventh Street to the intersection of East Seventh Street with Northwestern Avenue.

(This amendment is recommended on account of the great number of appeals for variations of the Zoning Ordinance, which have been received by the Board of Adjustment in this section and on account of the fact that several such non-conforming uses are now existing on this street, and for the further reason that this will afford the negroes and Mexicans a district in which they may have the privilege of drinking beer and wine with meals, which, it seems, they are hesitant to do in the present more central and more highly developed sections of "C-2" Commercial District);

and

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the City Council be requested to print the amended Zoning Ordinance in a convenient form for distribution to the public and to have photostats or other reproductions made of the Zoning Maps on a convenient reduced scale for distribution to the public.

Respectfully submitted

BOARD OF ADJUSTMENT

By H. F. Kuehne  
Chairman.

The following report of the Board of Adjustment was received :

"Austin, Texas  
April 26, 1939

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on April 25, 1939:

#### RESOLUTION.

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. John Wood requesting a change in the Use designation of the following property:

Six lots fronting on West 34th Street in Wood's Addition, from "A" Residence District to "C" Commercial District; and

WHEREAS, at a meeting held by the Board of Adjustment on April 25, 1939, the changing of the zoning designation of the above described property was carefully considered in relation to the property itself, the entire subdivision, the character of the surrounding neighborhood and the trend of development in this section of the City, and otherwise with reference to a comprehensive City plan and fundamental zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council for the following principal reasons:

1. That this property lies only one block from an existing commercial district at the intersection of Jefferson and 35th Streets, which is only partially developed and subject to expansion as the need and demand for more commercial facilities develops.
2. That the Board deems that the property in question is better suited for residential purposes and its change would adversely affect the adjacent property, tending to depreciate its residential character, and that it would be to the greater interest of the Owner to maintain these lots as high-class residential property.
3. That any commercial development on this property would attract school children from the new Bryker Woods School, which is now under construction across Kirby Lane, and would subject these children to traffic hazards, inasmuch as Kirby Lane and 34th Street are destined to become more or less congested traffic ways.
4. That it is not apparent that the present development of this section of the City justified the creation of additional business districts, as there is ample room in the present commercial district for development to meet the immediate needs of this territory.

Respectfully submitted,

BOARD OF ADJUSTMENT  
By H. F. Kuehne, Chairman.

The foregoing matter was taken under advisement pending further request by the applicant.

Mayor Miller moved that the following persons be appointed as members of the Parks & Playgrounds Commission for two-year terms ending as follows:

For the term ending January 1, 1940, retroactive January 1, 1938:

W. T. Caswell  
Chas. Page, Sr.  
John H. Nash  
H. F. Kuehne  
R. A. Buford  
Mrs. Herman Pressler  
W. R. Nabours

For the term ending January 1, 1941, retroactive January 1, 1939:

Dr. Goodall Wooten  
B. O. Tharp  
Mrs. Noyes D. Smith  
Gillespie Stacy  
Hilliare F. Nitschke

**Ex-Officio**

Jas. A. Garrison  
J. E. Motheral  
A. L. Love

The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The City Clerk was instructed to acknowledge receipt of a letter from Mr. Jas. P. Nash, Chairman, Committee for Catholic Participation in Austin's Centennial, expressing the thanks and appreciation of the City Council for the beautiful pontifical mass staged by the Catholics on April 23.

Mr. Walter Simms appeared before the Council and asked that the Fish Dealers Ordinance be amended in certain particulars. The matter was referred to the Assistant City Attorney for consideration.

Mayor Miller moved that Dr. Raleigh Ross be appointed as head of the Internal Staff and House Physician at Brackenridge Hospital at a salary of \$100 per month, as recommended by the City Manager and the Executive Committee of the Rotating Staff of Brackenridge Hospital. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of Alice Dixon for the years 1934-1937, inclusive, on the east one-half of Lot 2, Block 7, Outlots 2 and 3, Division "B", in the City of Austin, Travis County, Texas; said taxes being for the sum of \$88.30, and for non-payment of same at maturity, penalty in the sum of \$4.41 has been assessed, and interest in the sum of \$13.63, making the total amount of taxes, penalty and interest \$106.34; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.41, and one-half of the interest in the sum of \$6.82; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$4.41, and one-half of the interest in the sum of \$6.82, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$4.41 and one-half of the interest in the sum of \$6.82, off his rolls and to issue to the

party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of Ethel J. Roe for the years 1934-1937, inclusive, on Lot 9, Block 26, Swisher Addition in the City of Austin, Travis County, Texas; said taxes being for the sum of \$130.06, and for non-payment of same at maturity, penalty in the sum of \$6.49 has been assessed, and interest in the sum of \$20.07, making the total amount of taxes, penalty and interest \$156.62; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$6.49, and one-half of the interest in the sum of \$10.03; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$6.49, and one-half of the interest in the sum of \$10.03, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$6.49, and one-half of the interest in the sum of \$10.03, off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of F. B. Wiley for the years 1934-1937, inclusive, on Lots 3 and 4, Block 14, Outlot 17, Division "C", Ridgetop Annex, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$214.88, and for non-payment of same at maturity, penalty in the sum of \$10.74 has been assessed, and interest in the sum of \$33.15, making the total amount of taxes, penalty and interest \$258.77; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$10.74, and one-half of the interest in the sum of \$16.57; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$10.74, and one-half of the interest in the sum of \$16.57, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$10.74, and one-half of the interest in the sum of \$16.57, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of Mrs. C. B. Brady for the years 1936 and 1937 on Lot 4, in Block 3 of Outlot 1-A, Division "A", in the City of Austin, Travis County, Texas; said taxes being for the sum of \$100.54, and for non-payment of said taxes at maturity, penalty in the sum of \$5.02 has been assessed,

and interest in the sum of \$9.55, making the total amount of taxes, penalty and interest \$115.11; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$5.02, and one-half of the interest in the sum of \$4.78; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$5.02, and one-half of the interest in the sum of \$4.78, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$5.02, and one-half of the interest in the sum of \$4.78, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of Chas. L. and Esther C. Walker for the years 1935, 1936, and 1937 on 27.75x135' of Lot A-2, Isaac Decker League, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$164.40, and for non-payment of said taxes at maturity penalty in the sum of \$8.22 has been assessed, and interest in the sum of \$19.78, making the total amount of taxes, penalty and interest \$192.40; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.22, and one-half of the interest in the sum of \$9.89; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$8.22, and one-half of the interest in the sum of \$9.89, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$8.22, and one-half of the interest in the sum of \$9.89, off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of Artie B. Quinn for the year 1937 on 50 x 135 feet of Lot 5, Outlot 27, Division "C", in the City of Austin, Travis County, Texas; said taxes being for the sum of \$35.87, and for non-payment of same at maturity, penalty in the sum of \$1.79 has been assessed, and interest in the sum of \$2.33, making the total amount of taxes, penalty and interest \$39.99; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$1.79, and one-half of the interest in the sum of \$1.16; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$1.79 and one-half of the interest in the sum of \$1.16, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$1.79, and

one-half of the interest in the sum of \$1.16, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

The following resolution was introduced:

WHEREAS, City of Austin taxes have been assessed in the name of I. D. Medearis for the years 1934, 1935, and 1936 on the south 27 feet of Lot 3, and the north 16.50 feet of Lot 4, Block 8, Outlot 45, Division "B", Brass Subdivision, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$86.23, and for non-payment of same at maturity, penalty in the sum of \$4.31 has been assessed, and interest in the sum of \$15.89, making the total amount of taxes, penalty and interest \$106.33; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.31, and one-half of the interest in the sum of \$7.94; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$4.31, and one-half of the interest in the sum of \$7.94, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$4.31, and one-half of the interest in the sum of \$7.94, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller; nays, none; Councilmen Bartholomew and Wolf absent.

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller.  
Mayor

Attest:

Harrie McKeen  
City Clerk